

Court of Appeals, State of Michigan

ORDER

JAMES VERSCHEURE V PAMELA WYLLIE

Docket No. 283489

LC No. 2000-032124-DM

Helene N. White
Presiding Judge

Michael J. Talbot

Karen M. Fort Hood
Judges

In lieu of granting the application, the Court orders, pursuant to MCR 7.205(D)(2), that the November 30, 2007, order of the Wayne Circuit Court reinstating child support payments hereby is REVERSED. The State School Aid Act, MCL 388.1601 *et seq.*, provides that, for a pupil to be considered a “full-time” student, the number of required class hours is “at least 1,098 hours of pupil instruction.” MCL 388.1606(4)(q); MCL 388.1701(3)(a). Accordingly, Leah must have had at least 1,098 hours of pupil instruction in the course of one school year to be considered a full-time student under the applicable statutes. The undisputed record reflects that Leah had approximately 300 hours of pupil instruction, or one-third of the hours required to be a full-time student. Where Leah has not received the hours of instruction necessary to be a full-time student under statute, the trial court clearly erred in ruling otherwise. See *Rowley v Garvin*, 221 Mich App 699, 709-710; 562 NW2d 262 (1997). The case is REMANDED to the circuit court for further proceedings consistent with this order.

This order is to have immediate effect, MCR 7.215(F)(2). The Court retains no further jurisdiction.

Because defendant first raised *Rowley, supra*, in a motion for reconsideration, Judge White would remand for reconsideration in light of *Rowley*.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUL 25 2008

Date

Sandra Schultz Mengel
Chief Clerk